

Vice Mayor DeWitt moved Introduction of the Ordinance.

Vice Mayor DeWitt requested staff to provide a brief presentation on the differences between the two zoning districts.

The Development Review Manager stated the site is in the R-2 district; staff reviewed the development in order for the property to be subdivided; there are three structures: two duplexes and one single family home; the development does not quite comply with some of the technical zoning requirements; therefore, staff's recommendation is to reclassify the property to include a Planned Development (PD) district, which will recognize the size of the parcels, the setbacks and the existing parking arrangement; the PD overlay will be used in conjunction with the R-2 zoning.

Councilmember Kerr noted parking will not be lost and is in compliance; inquired whether R-2 open space requirements are being met.

The Development Review Manager responded in the affirmative.

Councilmember Johnson seconded the motion, which carried by unanimous voice vote - 5.

(01-554) Recommendation to eliminate Invocations and Institute a Moment of Silence at City Council Meetings.

Speakers In Favor of Eliminating the Invocation:

Mark Irons, Alameda;
Rabbi Allen B. Bennett, Temple Israel;
Diane Leibel, Alameda;
Jasmine Weiss Tokuda, Alameda;
Hugh Cavanaugh, Alameda;
Dave Kong, American Atheists;
Mia Raaphorst, Alameda;
Dr. Louk Wyses, Alameda;
Reverend Roger Bauer; Immanuel Lutheran Church;
Thomas A. Mally, East Bay Atheists;
Lauren Helfand, Alameda;
Doris K. Broudy, Alameda;
Steven Gerstle, Alameda;
Art Lenhardt, Alameda;
Elaine Kofman, Temple Israel;
Zadik Shapiro, Alameda;
Golda Mason, Alameda;
Larry Wexler, Alameda;
Judy Pollard, Alameda;
Jim Franz, Alameda;
Jonathan Soglin, Alameda;
Larry Schultz, First Congregational Church of Alameda;

Peter Lenhardt, Alameda;
Randy Potter, Alameda;
Morten Wellhaven, Alameda;
Bonnie Bone, Alameda; and
Ken Werner, Alameda.

Speakers Not In Favor of Eliminating the Invocation:

Nita Rosen, Alameda;
Shirley Cummins, Alameda;
Elder John Pillitiere, Alameda Chapel;
Janis Metzner, Alameda;
Lucille Rodriguez Parsons, Alameda;
Jacquie Lydon, Alameda; and
Clark Flesher, First Baptist Church.

Mayor Appezzato stated a minister, priest or rabbi has a select congregation; people choose their places of worship; however, that is not true for the Council Chambers; 30 to 50 years ago, the matter was not an issue because Alameda did not have the diversity it has today; that he has never been invited to a church to give a political invocation; in God's name, there has been more hate, war, death and injury than any other issue on earth; God should not be used to create division and distrust; most ministers in the community have been invited, but choose not to give invocations; only one minister contacted him about continuing the invocation; suggested that Council make a motion to remove the invocation and another motion to decide on an alternative; stated a moment of silence does not connote prayer and has been used to honor those who have passed away; a moment of silence has become the tradition at sports activities and schools; it is used to reflect, not pray; however, those who want to pray, can; Thomas Jefferson stated: "it is in your lives and not your words that your religion will be judged;" using words to divide is no longer appropriate; in the past, children have sung patriotic tunes and a citizen recited the Declaration of Independence; similar alternatives can be used [to commence Council meetings].

Councilmember Daysog thanked everyone for sharing their views during the past month; stated the City is unique and is proud of its traditions; people have more in common, than differences; not everyone will agree with the Council's decision; thanked Mayor Appezzato for bringing the issue to the City Council; stated the community sees its diversity as a strength; there are a large number of religious organizations in Alameda, which change society for the better; the country is founded on the separation of church and state; the Bill of Rights is one of texts which demonstrates the importance of the separation of church and state; John F. Kennedy stated: "I believe in an America where the separation of church and state is absolute."

Councilmember Johnson stated speakers tonight were respectful; a religious beginning of meetings is not needed; options should be explored, e.g. a statement of the purpose and importance of the meeting followed by a moment of silence; meeting commencement should bring everyone together and be a time to leave what has been done during the day and focus on the important work which is about to be done; there can be words of wisdom about the importance of fairness and justice, without being in the form of a prayer; that she would like to hear other Councilmembers' suggestions for something to take the place of the invocation.

Vice Mayor DeWitt stated the United States is made up of many kinds of people; everyone lives together so well because there is tolerance and respect; people have tolerated and respected the invocation for 45 years; that he gets great inspiration from public and private invocations; that he will vote for prayer; although it is not the majority, he would like to stick with the way it has been done.

Councilmember Kerr stated society has learned from the great injustice during the Second World War with Japanese internment camps; people of other religions are respected; Constitutional issues should be left to the Supreme Court, which has said it [prayer] is okay; the Senate has a Chaplain; people find prayer acceptable at home or in church, but not in public; she is alarmed when people decide to suppress any form of speech in public; that she is not in favor of a moment of silence, which is designed to show respect for people who have served their City or country well; inspirational speeches could be read at the beginning of Council meetings, e.g. part of the Constitution or Declaration of Independence; although she is not extremely happy with the invocation, better alternatives have not been presented; questioned whether people should be told they cannot speak their minds; stated people who express religious fervor at Council meetings should show more courtesy; people should move on from hurt feelings; there is no issue that comes before Council which has universal support; Councilmembers are elected at large; that she represents everyone in the City to the best of her ability.

Councilmember Daysog moved approval of accepting the Social Service Human Relations Board's recommendation [eliminate the current policy of invocations before City Council meetings and institute a moment of silence, lasting approximately one minute, to be carried out by a member of the City Council, and concluding with "Thank you."].

Mayor Appezzato inquired whether Councilmember Daysog would amend his motion to separately address 1) eliminating the invocation and 2) replacing it with something else.

Councilmember Daysog responded in the affirmative.

Mayor Appezzato requested the motion be restated.

Councilmember Daysog moved approval of removing the invocation.

Councilmember Johnson seconded the motion.

Under discussion, Councilmember Johnson stated replacements for the invocation should be thoroughly explored; the invocation should not be dropped without replacing it with something else.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, Johnson and Mayor Appezzato - 3. Noes: Councilmembers DeWitt and Kerr - 2.

Mayor Appezzato stated the invocation will be eliminated from the Council agenda; inquired whether the matter should be referred to the Social Service Human Relations Board (SSHRB) for suggestions, e.g. a moment of reflection, a moment of silence, a thought for the day or some type of public participation.

Councilmember Johnson stated maybe the matter could be resolved now.

Councilmember Kerr stated that she did not want the matter referred back to the SSHRB.

Vice Mayor DeWitt stated there could be a moment of reflection, which could be speeches or other things; it would not be religious; a moment of silence does not inspire him; a moment of reflection could be interpreted in different ways.

Councilmember Johnson stated residents could sign up to provide the moment of reflection or guidance; rather than a Councilmember leading a moment of silence, a member of the public could open the meeting.

Vice Mayor DeWitt stated that he would support Councilmember Johnson's suggestion.

Mayor Appezzato inquired whether it could be a thought for the day.

Vice Mayor DeWitt responded the moment of reflection could be a thought or something else.

Councilmember Kerr suggested that each Councilmember come up with ideas, e.g., reading from inspiring governmental documents.

Mayor Appezzato suggested that the matter be referred to the SSHRB;

stated the Board can provide a list of alternatives; if there are not adequate alternatives, each Councilmember can add to the list.

Councilmember Daysog stated that he would support sending the matter back to the SSHRB, however, the Board might make the same recommendation [moment of silence].

Councilmember Kerr stated the Councilmembers were selected by the community; each Councilmember should come up with recommendations.

Councilmember Johnson stated that she does not object to sending the matter back to the SSRHB; however, the Council might be able to come up with a solution; the matter could be on a Council agenda and the public could provide ideas; if referred to the SSHRB, a recommendation might not return to Council for months.

Councilmember Kerr stated that she would support keeping the matter at Council level.

Vice Mayor DeWitt stated matters are normally sent back to a Board for hearings and to do the legwork; that he would prefer to send the matter to the SSHRB.

Councilmember Kerr moved approval of keeping the matter [alternatives to commence Council Meetings] at Council level and of each Councilmember coming up with a list of suggestions.

Vice Mayor DeWitt seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, DeWitt, Johnson and Kerr - 4. Noes: Mayor Appezzato - 1.

ORAL COMMUNICATIONS, NON-AGENDA

(01-555) Larry Schultz stated the Alameda Hospital issue is extremely important; inquired when Councilmember Kerr last rode the 51 bus route.

Councilmember Kerr responded that she rode the bus all the time when she had a broken leg; that she rode the 51 bus within the last three months; and that she uses public transportation whenever possible.

(01-556) Noel Folsom, Alameda, thanked Mayor Appezzato and Councilmembers Johnson and Daysog for being the voice of reason and voting to eliminate the Invocation.

(01-557) Jim Franz, SSHRB, stated the SSHRB suggested that the Mayor and City Councilmembers lead something at the beginning of Council meetings, rather than opening it to the public, because the Board has faith in the elected officials.

(01-558) Jasmine Weiss Tokuda, Alameda, thanked the Councilmembers for making the decision [to eliminate the Invocation].

COUNCIL COMMUNICATIONS

(01-559) Councilmember Daysog stated the 51 line [bus route] might be changed; if revised, the bus would travel up Broadway to Telegraph Avenue and up Telegraph Avenue, which would make the line further away from Kaiser.

(01-560) Councilmember Johnson inquired when the Public Transit Committee matter would be on the City Council agenda.

Vice Mayor DeWitt responded the first meeting in November.

The City Manager confirmed that the matter would be addressed at the November 6 City Council Meeting. The City Manager noted the first meeting in November could be changed due to the Special Election.

(01-561) Mayor Appezzato stated that he received an Appeal [of the Transportation Advisory Committee's decision] regarding Sherman Street; inquired whether staff was addressing the matter.

The City Manager responded in the affirmative.

(01-562) Mayor Appezzato stated AC Transit has offered Ecopasses to City of Berkeley employees; requested the City Manager to look into the matter to determine whether it could apply to City of Alameda employees.

The City Manager stated staff is reviewing the matter.

(01-563) Mayor Appezzato requested staff to respond to the Social Service Human Relation Board's request for a youth representative on the Board.

(01-564) Councilmember Johnson stated a subcommittee of the Council, similar to the Public Transit Committee or Airport Committee, should be formed to have regular communications with Alameda Point Community Partners (APCP), the [former Navy Base] Master Developer; that she would volunteer; there should be regular communications with APCP and reports to the Council.

Mayor Appezzato stated there could be a subcommittee of two Councilmembers.

Councilmember Kerr stated that she would like to serve on the subcommittee.